



Dkt. 655/62869

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Jonathan BLACKWELL et al.

Serial No. : 09/944,699

Group Art Unit: 2157

Date Filed : August 31, 2001

Examiner: S. Najjar

For : A METHOD AND SYSTEM FOR SENDING, RECEIVING AND
MANAGING MESSAGING DATA

1185 Avenue of the Americas
New York, N.Y. 10036

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR WITHDRAWAL OF ERRONEOUSLY ISSUED
NOTICE OF ABANDONMENT**

Sir:

Applicants received a Notice of Abandonment dated February 9, 2005 in the above-identified application for allegedly not responding to the Office Action dated March 8, 2004. Such Notice was issued in error. As proof, enclosed is a copy of a timely filed Notice of Appeal, Petition for Extension of Time and a return postcard showing receipt of these documents by the USPTO on September 10, 2004. An RCE is being filed concurrently herewith along with accompanying papers.

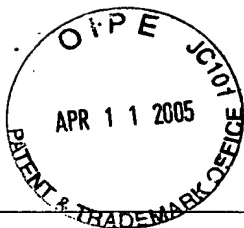
The Commissioner is authorized to charge any additional fees, or credit any overpayment, to our Deposit Account No. 03-3125.

Respectfully submitted,

RICHARD F. JAWORSKI
Registration No. 33,515
Attorney for Applicant
Cooper & Dunham LLP
Tel.: (212) 278-0400

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Richard F. Jaworski Date
Reg. No. 33,515



Notice of Abandonment

Application No.

09/944,699

Examiner

Saleh Najjar

Applicant(s)

BLACKWELL ET AL.


Art Unit

2157

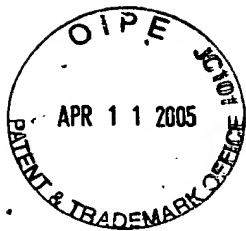
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 08 March 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


SALEH NAJJAR
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Brief Due: 11/8/2004 Deadline: 4/8/2005
Applicant Jonathan BLACKWELL et al., S.N. 09/944,699 *sm*

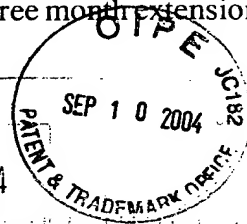
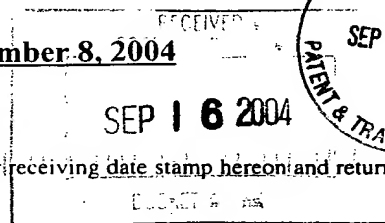
Client Computer Associates File No. 655/62869 Atty. RFJ

Date September 8, 2004

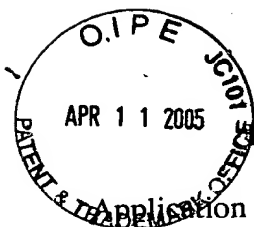
Kindly acknowledge receipt of the accompanying

Notice of Appeal in response to Office Action dated March 8, 2004 with certificate of mailing, Petition For Extension of Time with certificate of mailing, check for \$950 for three month extension fee and a check \$330 for appeal fee.

DUE DATE: September 8, 2004



by placing your receiving date stamp hereon and returning to us:



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Applicant of : Jonathan BLACKWELL et al.

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR EXTENSION OF TIME

Sir:

It is respectfully requested that the period for filing a response to the Office Action dated March 8, 2004 be extended by three months, i.e. from June 8, 2004 to September 8, 2004.

Enclosed is a check for the \$950 statutory extension fee for filing a response within the third month pursuant to 1.136(a) by other than a small entity.

The Commissioner is authorized to charge any additional fees, or credit any overpayment, to our Deposit Account No. 03-3125.

Respectfully submitted,

RICHARD F. JAWORSKI
Registration No. 33,515
Attorney for Applicant
Cooper & Dunham LLP
Tel.: (212) 278-0400

I hereby certify that this paper is being
deposited this date with the U.S. Postal
Service as first class mail addressed to:
Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450

Richard F. Jaworski
Reg. No. 33,515

Sept. 8, 2004
Date

NOTICE OF APPEAL

FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of : Jonathan BLACKWELL et al.

Serial No. : 09/944,699

For : A METHOD AND SYSTEM FOR SENDING, RECEIVING AND MANAGING
MESSAGING DATA

Filed : August 31, 2001

Group Art Unit : 2157

Commissioner for Patents
Box AF
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated
March 8, 2004 of the Primary Examiner finally rejecting claims 1-20....

The item(s) checked below are appropriate:

1. ☒ An extension of time to respond to the final rejection is being
granted on September 8, 2004 for three months.
2. ☐ A timely response to the final rejection has been filed, as provided
in 841 O.G. 1411.
3. ☒ Fee ☒ Large Entity Fee \$330 ☐ Small Entity Fee \$160
☒ Enclosed
☐ Not required (Fee paid in prior appeal)
☒ Charge to Deposit Account No. 03-3125 (i) appeal fee and
(ii) any additional requisite fees. (One additional copy
of this Notice enclosed herewith.)

Signature (Rule 191(b)).....

Richard F. Jaworski, Reg. No. 33,515

Post Office Address Cooper & Dunham LLP1185 Avenue of the AmericasNew York, NY 10036

I hereby certify that this paper is being deposited this
date with the U.S. Postal Service as first class mail
addressed to the Assistant Commissioner for Patents,
Washington, D.C. 20231

Richard F. Jaworski
Reg. No. 33,515

Date

Sept. 8, 2004